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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,655	07/20/2001	John E. Libendorfer	2002064.127US1	2619
24395	7590	07/25/2007	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP 1875 PENNSYLVANIA AVE., NW WASHINGTON, DC 20004			KING, ANITA M	
		ART UNIT	PAPER NUMBER	
		3632		
		NOTIFICATION DATE	DELIVERY MODE	
		07/25/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/910,655	LIEBENDORFER, JOHN E.
	<b>Examiner</b>	<b>Art Unit</b>
	Anita M. King	3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 28 June 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 4,6-10,13-32,36-38 and 42-49 is/are pending in the application.
- 4a) Of the above claim(s) 24-30 is/are withdrawn from consideration.
- 5) Claim(s) 10,13-23,36,38 and 42-49 is/are allowed.
- 6) Claim(s) 4,6,7,9,31,32 and 37 is/are rejected.
- 7) Claim(s) 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

This is a non-final office action for application number 09/910,655, System for Removably and Adjustably Mounting a Device on a Surface, filed on July 20, 2001.

***Response to Amendment***

After further consideration and consultation, the examiner respectfully withdraws the finality of the Office action dated April 11, 2007. The examiner apologizes for any inconvenience this may cause.

The indicated allowability of claims 4, 6, 7, 9, 31, 32, and 37 is withdrawn in view of the newly discovered reference(s) to Jones and Cripe. Rejections based on the newly cited reference(s) follow.

***Election/Restrictions***

Claims 24-30 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without traverse** in the reply filed on August 26, 2002.

***Cancellation of Claims***

Claims 1-3, 5, 11, 12, 33-35, and 39-41 have been canceled per applicant's request.

***Claim Objections***

Claim 10 is objected to because of the following informality: in line 11, a period should be inserted after "shoulder". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,261,625 to Cripe. Cripe discloses a system for removably and adjustable mounting a flat panel (38), the system comprising: a rail (36) formed with at least two tracks (49); wherein the rail is formed with a body having a proximal end, a distal end, and hollow chamber (59) therebetween; wherein the rail is removably mountable on a footing (118), however capable of mounting on a footing grid; wherein the at least two tracks include a channel (53) extending the length of the rail; wherein the channel in the at least two tracks is formed with a slot (formed by element 52) extending the length of the rail, wherein the slot in one of the at least two tracks is formed at substantially a right angle to the slot in any other of the at least two tracks; a plurality of keepers (37) on which to mount the rail; one or more clamps (79 or 122) for connecting the system to a surface; and wherein the one or more clamps include means for connecting the panel to the rail.

Claims 6, 7, 31, 32, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,513,606 to Jones. Jones discloses a system for removably

and adjustably mounting a flat panel (42), the system comprising: a rail (36) formed with at least two tracks; wherein the rail is formed with a body having a proximal end, a distal end, and a hollow chamber therebetween; wherein the rail is removably mountable and slidably engageable on a footing (1), however capable of mounting on a footing grid; wherein the at least two tracks include a channel (37) extending the length of the rail; a plurality of keepers (47) on which to mount the rail; one or more clamps (5) for connecting the system to a surface, wherein the one or more clamps is formed as a duct with at least two opposing flanges; wherein the opposing flanges of the one or more clamps are substantially parallel to one another; and wherein the one or more clamps include a means for connecting the panel to the rail.

***Allowable Subject Matter***

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10, 13-23, 36, 38, and 42-49 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anita M. King  
Primary Examiner  
Art Unit 3632

July 18, 2007